IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

Misc. Civil Application No.954 of 2007.

[Mrs. Mamta W/o Nilkantha Rewatkar]

Vs.

[Shri Nilkantha S/o Lahanuji Rewatkar]

Office Notes, Office Memoranda of Coram,appearances,Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Shri N. B. Jawade, Advocate for the applicant.

Coram: A. H. JOSHI, J.
Dated: 19th November 2007.

1. The case is listed on board for orders for fresh service on the respondent original petitioner in Petition No. A-343 of 2007 filed in Family Court at Nagpur. The Bailiff's Report as per the Office note indicates that the respondent is not residing at the given address.

2. Learned Advocate for the

applicant prays for taking up the petition for immediate hearing by treating the Bailiff's Report to be due service in view that the address of the respondent given in the petition is the same as is given by the respondent original petitioner before the Family Court.

3. It is seen that the petition was presented before the Family Court on 28-5-2007. The address given in the petition presented by the respondent before the Family Court has re-produced by the present petitioner as residential address in the petition filed in this Court. It is the duty of the every litigant to place on record afresh the registered address in the event of change of the same by substituting the same. In this situation, the service of notice to the respondent on the address given in

trial Court is liable to be construed as due and proper service.

4. In this situation, this Court is satisfied that sending of summons on the address of the respondent as recorded in the Family Court be treated as due service, and the petition be taken up for hearing.

5. This Court finds that the averments contained in the petition reveal that the petitioner is residing at Chandrapur with her parents, and she has to maintain herself and the child on the support of the parents, which she denotes as mercy, and this version has gone unchallenged. In this situation, It goes without saying, and is obvious from the facts that accepting the grounds stated in the petition, the application for transfer deserves to be allowed.

6. In the result, Misc. Civil Application is allowed in terms of prayer clause (i). In the circumstances, parties shall bear own costs.

JUDGE

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